

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Patent Application**

Applicant(s): Bordogna et al.  
Case: 13-3-1  
Serial No.: 10/643,005  
Filing Date: August 18, 2003  
Group: 2616  
Examiner: Kevin D. Mew

Title: Method and Apparatus for Frequency Offset Control of Ethernet Packets Over a Transport Network

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TRANSMITTAL OF APPEAL BRIEF

Mail Stop Appeal Brief  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith are the following documents relating to the above-identified patent application:

1. Appeal Brief;
2. Copy of Notice of Appeal, filed on March 28, 2008, with copy of Electronic Acknowledgment Receipt indicating receipt of Notice by PTO on March 28, 2008.

In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **Deposit Account No. 50-0762** as required to correct the error.

Respectfully,



Date: May 28, 2008

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## Electronic Acknowledgement Receipt

EFS ID:	3067128
Application Number:	10643005
International Application Number:	
Confirmation Number:	2974
Title of Invention:	Method and apparatus for frequency offset control of ethernet packets over a transport network
First Named Inventor/Applicant Name:	Mark A. Bordogna
Correspondence Address:	Ryan, Mason & Lewis, LLP - Suite 205 1300 Post Road Fairfield CT 06824 US 2032556560 -
Filer:	Kevin M. Mason
Filer Authorized By:	
Attorney Docket Number:	13-3-1
Receipt Date:	28-MAR-2008
Filing Date:	18-AUG-2003
Time Stamp:	10:42:32
Application Type:	Utility under 35 USC 111(a)

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RAM confirmation Number	6380
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The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

### File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1	Notice of Appeal Filed	1150-1152_NoticeofAppeal_3-28-08.pdf	65311 7b9a3af7662f7de1b1b982adbcbcb6486d0e4e6	no	1

Warnings:

Information:

2	Fee Worksheet (PTO-06)	fee-info.pdf	8338 4203a63215009755ba03f190b7caa9961ea65ac2	no	2
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Warnings:

Information:

Total Files Size (in bytes):	73649
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#### New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

#### National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

#### New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		Docket Number (Optional) <b>Bordogna 13-3-1</b>									
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Assistant Commissioner for Patents, Washington D C 20231" on _____  Signature _____ Typed or printed name _____		In re Application of <b>Bordogna et al.</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Application Number</td> <td style="padding: 2px;">Filed</td> </tr> <tr> <td style="padding: 2px;">10/643,005</td> <td style="padding: 2px;">August 18, 2003</td> </tr> </table> For Method and Apparatus for Frequency Offset Control of Ethernet Packets Over a Transport Network  <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Group Art Unit</td> <td style="padding: 2px;">Examiner</td> </tr> <tr> <td style="padding: 2px;">2616</td> <td style="padding: 2px;">Kevin D. Mew</td> </tr> </table>		Application Number	Filed	10/643,005	August 18, 2003	Group Art Unit	Examiner	2616	Kevin D. Mew
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10/643,005	August 18, 2003										
Group Art Unit	Examiner										
2616	Kevin D. Mew										

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner

The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$ 510.00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ \_\_\_\_\_

☐ A check in the amount of the fee is enclosed

☒ Payment by credit card. Form PTO-2038 is attached

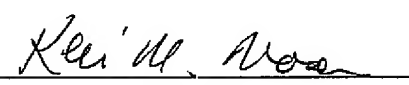
☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☐ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-0762. I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

<input type="checkbox"/> applicant/inventor  <input type="checkbox"/> assignee of record of the entire interest See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96)  <input checked="" type="checkbox"/> attorney or agent of record.  <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a) _____	 _____ Signature  _____ Kevin M. Mason Typed or printed name  _____ March 28, 2008 Date
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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

**Burden Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231